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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,388	10/15/2003	Clint Edward Conrady	10006881-1	2110

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FORT COLLINS, CO 80527-2400

EXAMINER

COMAS, YAHVEH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,388

Applicant(s)

CONRADY ET AL.

Examiner

Yahveh Comas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Omura et al. U.S. Patent No. 5,138,477.

Omura discloses a plurality of redundant bearings (10), a plurality of coaxial support elements (54, 56), with at least one of said support elements rotatable about an axis of rotation, and an armature (20) rotatably guided by said plurality of support elements to rotate about said axis of rotation; said bearings providing redundancy continue armature rotation in the event one bearing fails. A shaft guided by (8), and rotatable with respect to, each of said plurality of coaxial support elements (54, 56) about said axis, said shaft guiding said armature. A plurality of coaxial support elements further comprises inner (54) and outer (56) sleeves surrounding said shaft. A rotor element couple to said armature (see fig. 1).

Claims 1-10 and 13-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Fite et al. U.S. 2003/0123767 A1.

Fite discloses a plurality of redundant bearings, a plurality of coaxial support elements (1210, 1220, 1230), with at least one of said support elements rotatable about

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an axis of rotation, and an armature rotatably guided by said plurality of support elements to rotate about said axis of rotation; said bearings providing redundancy (1200) continue armature rotation in the event one bearing fails. A shaft guided by, and rotatable with respect to, each of said plurality of coaxial support elements about said axis, said shaft guiding said armature. A plurality of coaxial support elements further comprises inner and outer sleeves surrounding said shaft. A rotor element couple to said armature (see fig. 1). A plurality of redundant stators attached to one of said coaxial support elements, each of said stators (130 and 135) having current terminals to receive a current producing an electric field to induce said armature to rotate in response to a received current, at least one of said redundant stators being operable to induce said armature to rotate even if one stator fails (see fig 1). A blade (110) is coupled to and rotatable with the armature.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fite et al. U.S. 2003/0123767 A1 in view of Umeda et al. U.S. Patent No. 5982064.

Fite discloses the claimed invention except for the rotor comprising magnet. However Umeda use magnet in the rotor in order to produce electromagnetic force between the stator and the rotor. Therefore it would have been obvious to one having skill in the art at the time the invention was made to provide a rotor made of magnets since that would had been desirable to produce electromagnetic force between the stator and the rotor.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fite et al. U.S. 2003/0123767 A1 in view of Attilio et al. U.S. Patent No. 4868436.

Fite discloses the claimed invention except for the rotor comprising windings. However Attilio use winding in the rotor in order to produce electromagnetic force between the stator and the rotor. Therefore it would have been obvious to one having skill in the art at the time the invention was made to provide a rotor made of windings since that would had been desirable to produce electromagnetic force between the stator and the rotor.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571)272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC



BURTON S. MULLINS  
PRIMARY EXAMINER